



## Austin City Council MINUTES

APRIL 1, 1993 - 1:00 P.M.

### MEETING CALLED TO ORDER - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting that Mayor Pro Tem Urdy would be absent until later. Mayor Pro Tem Urdy arrived at 4:00 P.M.

1. Approval of Minutes for Regular Meetings of March 11 and 18, 1993 and Special Meetings of March 9, 10, 11, 17 and 18, 1993.

On Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Pro Tem Urdy absent.

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Norman Kieke, to show how City of Austin funds are being used by United Cerebral Palsy Association.
3. Mr. Mike Workman, to request that Council create a task force to commemorate the 200th birthday of Stephen F. Austin.
4. Mr. Henry Ratliff, to address the idea "Are the people of Austin listening?"
5. Mr. Richard Trachtenberg, to discuss "How do I hate the PID - let me count the ways."
6. Mr. Leonard Lyons, to discuss business as usual with Snow White and the Seven Dwarfs at Disneyland.
7. Mr. Barry George, to discuss the progress of repairs of ceramics studio at Dougherty Arts Center.
8. Mr. Ron Lane, to discuss the Hospital Authority.
9. Mr. Stephen Beers, to speak on the Balcones Plan and the Mayor's Task Force.

10. Ms. Lidia Graciela Agraz, to provide information regarding the Hispanic Chamber of Commerce 20th Anniversary Celebration and awards given to Austin area businesses.
11. Mr. Gavino Fernandez, to discuss "No airport en mi barrio!"

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve a resolution requesting that Texas Parks and Wildlife perform an Environmental Assessment of the wastewater project, South Austin Outfall, Phase II, prior to start of project construction. (Councilmembers Michael "Max" Nofziger and Gus Garcia)

Postponed indefinitely.

ORDINANCES

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 926 Ed Bluestein Boulevard, Case No. C14r-81-107, from "LI", Limited Industrial Services to revise a previously approved PRA/condition of zoning site plan for the construction of a new indoor sales, service and display building, LANFORD EQUIPMENT CO., by Vision Design Group (Andrew Guzman). First reading on March 4, 1993; Vote 7-0. Conditions met as follows: No conditions to be met.

On Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.

14. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 614 Capital of Texas Highway South, Case No. C14r-85-080, from "I-SF-2", Interim Single Family Residence (standard lot) to "LO-CO", Limited Office-Conditional Overlay, GERALD STEIN, by Con-Real Support Group, Inc. (Howard Kells). First reading on March 6, 1986; Vote 5-0, Councilmember Rose out of the room and Humphrey absent). Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Request for extension of application approved by Council on February 11, 1993.

Motion- Withdrawn

Councilmember Larson made a motion, seconded by Councilmember Reynolds to approve. The motion was withdrawn.

Motion

Councilmember Garcia made a motion, seconded by Councilmember Epstein to send to the Planning Commission for recommendation on the zoning. Motion passed 6-0 with Mayor Pro Tem Urdy absent.

Motion to Reconsider

Councilmember Reynolds made a motion, seconded by Councilmember Epstein to reconsider. 6-0 Vote, Mayor Pro Tem Urdy absent.

Motion

Councilmember Reynolds made a motion, seconded by Councilmember Epstein to approve SECOND READING ONLY.

Amendment to Motion

Councilmember Garcia made a motion, seconded by Councilmember Nofziger that the "CO be covered by the water quality provision of the 1986 Clean Water Ordinance". Motion passed by a vote of 6-0 with Mayor Pro Tem Urdy absent.

Roll Call on Motion with Amendment

6-0 Vote, Mayor Pro Tem Urdy absent

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Quarry Lake Parkway and North U.S. Hwy. 183, Case No. C14-92-0081, from "LI", Limited Industrial Services and "LO", Limited Office to "MF-2", Multifamily Residence (low density), 183 QUARRY, LTD., by Pat Scudder. First reading on November 12, 1992; Vote: 7-0. Conditions met as follows: Conditional overlay and a restrictive covenant incorporates conditions imposed by Council.
16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10,000 Manchaca Road, Case No. C14-92-0114, from "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay, JACK S. MORE, by Gore Real Estate Services (Albert Gore). First reading on January 7, 1993; Vote 6-0, Mayor Pro Tem Urdy absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
17. Amend Ordinance No. 920922-A, the 1992-93 approved Capital Budget for the Drainage Utility by appropriating \$2,491,536 from the Urban

Construction Set Aside Project to the Creekbend Flood Control Project. (Funding included in the 1992-93 Capital Budget of the Drainage Utility.) [Recommended by Planning Commission]

#15-17 on Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.

18. Amend the River Place Municipal Utility District consent agreement to increase the size of the Riverplace marina, as shown on the MUD land plan, from 2.9 acres to 9.81 acres. (No fiscal impact.) (Recommended by Planning Commission) [Related to Item 64]  
  
On Councilmember Reynolds' motion, Councilmember Larson's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.
19. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 16-4, Section 5 - Speed Limits, to establish the speed limit on MoPac Boulevard (Loop 1 South) frontage roads at 55 mph from U.S. Hwy 290 West to 2845 feet south of Brush Country Road (south City limits). [Funding provided by Texas Department of Transportation.]
20. Amend the early voting locations for the May 1, 1993 municipal election.
21. Authorize acceptance of \$193,219 in grant funds from the Texas State Library to provide Interlibrary Loan Services; amend Ordinance No. 920922-E, the 1992-93 operating budget for the Library Special Revenue Fund, increasing appropriations by \$193,219 to fund the grant for the period beginning September 1, 1993 and continuing through August 31, 1994; and authorize 4.25 grant funded full-time employees. (Recommended by Library Commission)
22. Accept an increase of \$51,262 in grant funds from the Texas Department of Health, TB Elimination Division, for continuing Tuberculosis outreach and treatment activities; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$51,262 for the Health and Human Services Department Special Revenue Fund, for a total grant of \$127,483 through August 31, 1994; and authorizing one (1.0) grant funded full-time position.
23. Authorize acceptance of \$149,000 in grant funds from the Texas Department of Health, Bureau of Maternal and Child Health, to provide health services to Austin Housing Authority (AHA) residents; amend Ordinance 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$149,000 for the Health and Human Services Department Special Revenue Fund; and authorizing 2.5 grant funded full-time positions.

24. Authorize acceptance of \$75,000 in additional grant funds from the U.S. Department of Health and Human Services, Ryan White/Title III grant for HIV early intervention services; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating an additional \$75,000 for a total grant amount of \$443,926 in the Health and Human Services Department Special Revenue Fund.
25. Authorize acceptance of \$37,500 in grant funds from the Barton Springs/Edwards Aquifer District granted by the Texas Water Commission for the City's participation in a joint roadway Best Management Practice (BMP) Study; amend Ordinance No. 920922-E, the 1992-93 operating budget by appropriating \$37,500 to the Environmental and Conservation Services Department Special Revenue Fund. (City's match is \$25,000. Funding in the amount of \$17,872 is available in the 1992-93 operating budget of the Environmental and Conservation Services Department; \$7,128 will be required in future year's Non-Urban Watersheds budgets.) [Recommended by Environmental Board] (Related to Item 28)
26. Authorize acceptance of \$110,254 in grant funds from the Texas Department of Health, Housing Opportunities for People with AIDS (HOPWA); amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$110,254 in the Health and Human Services Department Special Revenue Fund.) [Related to Item 27]

#### RESOLUTIONS

27. Approve execution of a twelve (12) month contract with AIDS Services of Austin to administer the Housing Opportunities for Persons with AIDS Program, in the amount of \$110,254. (Funding provided by the Texas Department of Health.) [Related to Item 26]
28. Authorize execution of an Interlocal Agreement with the Barton Springs/Edwards Aquifer Conservation District for the City's participation in a joint roadway Best Management Practice study granted by the Texas Water Commission. (Recommended by Environmental Board) [Related to Item 25]
29. Approve the second extension of the Interlocal Cooperation Agreement with Travis County to provide pharmacy services to eligible County Rural Medical Assistance program (RMAP) clients, and allow Travis County to purchase pharmaceuticals and related pharmaceutical supplies from October 1, 1992 to September 30, 1993, with two (2) additional twelve (12) month extension options. (No fiscal impact. The County will reimburse the City for the cost of providing pharmacy services and purchasing pharmaceuticals and supplies for RMAP clients or other County clients.)

30. Approve a construction contract award to INTERTECH FLOORING, Austin, Texas, for the installation of carpet for the Medical Records Department, Volunteer Services, Gift Shop and common areas of the Children's Hospital at Brackenridge, in the amount of \$165,792. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Low bid of two (2). No M/WBE subcontracting opportunities were identified. Reference No. BH3-089.
31. Approve execution of a contract with PURITAN-BENNETT CORPORATION, Lawrenceville, Georgia, for the purchase of three (3) adult/adolescent volume ventilators used to mechanically control or assist patient breathing at Brackenridge Hospital, in an amount not to exceed \$74,970. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital Disproportionate Share Fund.) Only bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were identified. Reference No. BH3-045.
32. Approve negotiation and execution of a sixty-one (61) month lease amendment with Metric Property Management on behalf of Norwood Associates, a limited partnership, for 13,317 net usable square feet of office space at Norwood Tower, located at 114 W. 7th St., to be used by Brackenridge Hospital support services, in an amount not to exceed \$166,287 for the first year; \$171,280.88 for the second year; \$177,939.38 for the third year; \$164,797.88 for the fourth year; and \$171,456.38 for the fifth year, for a total amount not to exceed \$851,761.52. (Funding in the amount of \$166,287 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for execution of the extension options is contingent upon availability of funding in future budgets.)  
  
#19-32 on Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.
33. Discuss and resolve the terms of the funding agreement between the City of Austin and the Austin Hospital Authority.  
  
Pulled off agenda.
34. Approve a construction contract to GARNEY COMPANIES, INC., Kansas City, Missouri, for the South Austin Regional Wastewater Treatment Plant/Jimmy Clay Water Reuse System, in the amount of \$1,827,095. (Funding in the amount of \$1,327,095 is included in the 1992-93 Capital Budget for the Golf Enterprise Fund - Jimmy Clay Expansion; \$250,000 included in the 1992-93 Capital Budget for the Water and Wastewater Department - Water Reuse Plan; and \$250,000 included in the 1986-87 Capital Budget for the Water and Wastewater Department -

Approach Main Oversize). Low bid of eight (8). 1.28% MBE, 4.93% WBE Subcontractor participation. (Reviewed by Golf Advisory Board, Parks Board and Water and Wastewater Commission)

35. Approve a construction contract award to INSITUFORM TEXARK, INC., Dallas, Texas, for rehabilitation of concrete wastewater mains in the Barton Hollow and Oaks of Barton Subdivisions, in the amount of \$959,805. (Funding included in the 1992-93 Capital Budget for the Water and Wastewater Utility.) Low bid of three (3). 8.45% MBE, 3.41% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
  36. Approve execution of a contract award with AG-CHEM EQUIPMENT CO., INC., Minnetonka, Minnesota, for the purchase of a combined liquid and dewatered sludge applicator to be used to apply dry and liquid sludge to agricultural plots at the Hornsby Bend Wastewater Treatment Plant and other agricultural land sites, in an amount not to exceed \$216,995. (Funding is available in the 1992-93 operating budget of the Water and Wastewater Utility.) Low bid of two (2) meeting specifications. No M/WBE subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
  37. Inform the U.S. Environmental Protection Agency of the City Council's review and approval of the Municipal Water Pollution Prevention Environmental Audit Reports for the City's wastewater treatment plants. (Recommended by Water and Wastewater Commission)
  38. Approve execution of a Memorandum of Understanding whereby the City of Austin participates as a partner in the U.S. Environmental Protection Agency's voluntary Green Lights Program to encourage energy-efficient lighting. (Implementation of 21 energy efficiency improvement projects have resulted in a cost savings to the City of \$784,500.) (Recommended by Resource Management Commission)
- #34-38 on Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.
39. Approve the selection and authorize the negotiation of three (3) Bond Counsel team contracts to provide legal services associated with the City's enterprise fund-based bonds, general obligation bonds and housing bonds with compensation to be used on hourly rates, to be negotiated. (Funding is payable out of the proceeds of each bond sale and issuance.) [To be reviewed by Audit and Finance Committee on March 31, 1993.]

Postponed to April 15, 1993.

40. Approve the selection of two underwriter teams (18 firms) to provide underwriting services for negotiated/refunding transactions over the

next two (2) years. (These teams will be utilized as market and economic conditions permit. Funding will be made from proceeds of each bond sale.) [Reviewed and recommended by Audit and Finance Committee on March 31, 1993.] Lehman Brothers, Team B, will be first.

41. Approve execution of a twelve (12) month supply agreement with ALAMO IRON WORKS, San Antonio, Texas, for the purchase of hardware and fasteners for use by the Water and Wastewater, Parks and Recreation and Electric Utility Departments, in an amount not to exceed \$44,991.51, with one (1) twelve (12) month extension option, in an amount not to exceed \$44,991.50, for a total amount not to exceed \$89,983.02. (Funding in the amount of \$22,495.75 is available in the 1992-93 operating budgets of user departments; the remaining \$22,495.75 and the extension option will be contingent upon availability of funding in future budgets.) Low bid of ten (10). No M/WBE Subcontracting opportunities were identified. Reference No. IFB RH93100002.
42. Approve execution of a twelve (12) month supply agreement with A & B ELECTRONICS, INC., Austin, Texas, for the purchase of Motorola two-way radio repair parts, in an amount not to exceed \$140,000, with the option to extend the agreement for two (2) additional twelve (12) month periods, in the amount of \$140,000, for a total contract amount not to exceed \$420,000. (Funding in the amount of \$70,000 is available in the 1992-93 operating budget of the Fleet and Radio Fund; the remaining \$70,000 and the extension options is contingent upon availability of funding in future budgets.) Bid of four (4) offering the greatest discount. No M/WBE Subcontracting opportunities were identified.
43. Approve a final amendment of the existing Professional Services Agreement with PAGE SOUTHERLAND PAGE, Austin, Texas, for additional architectural services due to increased project scope for enlargement of the environmental pond, kitchen revisions and work related to construction change orders for the Main Building Package of the Austin Convention Center, in the amount of \$104,560, for a total contract amount of \$5,419,757. (Funding included in the 1989-90 Capital Budget for the Convention Center Department.) No M/WBE Subcontracting opportunities were identified.
44. Approve a construction contract award to AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for rehabilitation of West First Street from I.H. 35 to MoPac, in the amount of \$472,021.28. (Funding in the amount of \$313,330.95 included in the 1991-92 Capital Budget of the Public Works and Transportation Department; \$134,450.33 included in the 1989-90 Capital Budget of the Convention Center; \$9,240 included in the 1991-92 Capital Budget of the Water Utility; \$13,000 included in the 1991-92 Capital Budget of the Wastewater Utility; \$2,000 is available in the 1992-93 operating budget of the Drainage Utility.)

Low bid of two (2). DBE Subcontractor Participation: 25.02%  
(22.65% MBE, 2.37% WBE Subcontractor participation.)

45. Approve the selection of five professional engineering firms: CONLEY ENGINEERING, INC., Austin, Texas; RAYMOND CHAN AND ASSOCIATES, INC. (MBE), Austin, Texas; MARTINEZ & WRIGHT ENGINEERS, INC. (MBE), Austin, Texas; JONES AND NEUSE, INC, Austin, Texas; and THONHOFF CONSULTING ENGINEERS, INC., Austin, Texas; for a general civil engineering rotation list for a variety of small to moderate fast turn around projects for an estimated period of two years, in the amount of \$625,000 (estimated amount approximately \$125,000 per firm.) (Funding for these services are available in the Capital Budgets of the various departments for which the services are needed.) Best qualification statements of nineteen (19). Subcontractor participation: Conley Engineering, Inc.: 10% MBE, 15% WBE; 10% MBE, 5% WBE for remaining firms.

#40-45 on Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.

46. Approve Change Order #3 to POOL AND ROGERS PAVING CO., INC., Buda, Texas, for the reconstruction of bus lanes and driveway/sidewalk improvements as part of the William Cannon/Riverside Drive Overlay project, in the amount of \$118,256.33, for a total contract amount of \$1,067,610.43. (Funding included in the 1991-92 Capital Budget of the Public Works and Transportation Department.) 6.36% MBE, 0% WBE Subcontractor participation.

On Councilmember Reynolds' motion, Councilmember Epstein's second, 6-0 Vote, Mayor Pro Tem Urdy absent.

47. Approve execution of an Interlocal Agreement with Texas Department of Information Resources, Austin, Texas, for procurement of computer hardware and software products and maintenance services offered on contracts available to the City of Austin. (Procurements under this agreement will not be made unless funds are available in appropriate departmental budgets.)

On Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room Mayor Pro Tem Urdy absent.

48. Approve and adopt revisions for the 1993-94 Goals and Objectives for the City of Austin Council Priority: Health and Hospital.

Postponed

49. Set a public hearing on an appeal by Mr. I.T. Gonzalez, representing the New Jerusalem Pentecostal Church, of the Planning Commission's

decision of February 23, 1993, to deny a request for a compatibility standards waiver setback for a proposed church at 9005 Capital Drive. (Suggested date and time: April 22, 1993 at 5:30 p.m.)

50. Set public hearings on the full purpose annexation of the National Linen Service Tract. (Suggested date and time: April 15, 1993 at 5:00 p.m. and April 22, 1993 at 4:30 p.m.)
51. Set a public hearing to gather citizen's input on community needs to be addressed by activities funded under the 19th Year (Fiscal Year 1993-94) Community Development Block Grant (CDBG) Entitlement Program. (Suggested date and time: April 22, 1993 at 5:00 p.m.)

#49-51 on Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.

52. Set a public hearing to set the assessment rate for the downtown Austin Public Improvement District (PID) pending its creation by Council. (Suggested date and time: April 15, 1993 at 5:30 p.m.)

No Action

53. Set a public hearing to consider amending Title XIII (Land Development Code) of the Austin City Code of 1992 by establishing and defining "microbrewery" use and the zoning districts in which such use is authorized, and other site development regulations related to the microbrewery use. (Suggested date and time: April 22, 1993 at 6:45 p.m.)

On Councilmember Nofziger's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Pro Tem Urdy absent.

54. Set a public hearing concerning appeals by Lawrence L. Aldridge, Gary Seghi, Alan Y. Taniguchi, Walter Leverich and Frances Barton of the Sign Review Board's decision to grant a variance from Section 13-2-871 of the Sign Regulations to erect two roof signs in a PUD District for Heartland Bank, located at 1717 W. 6th Street. (Suggested date and time: May 6, 1993 at 4:30 p.m.)

On Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.

ITEMS FROM COUNCIL

55. Approve a resolution establishing a Charter Revision Committee.  
(Mayor Pro Tem Charles Urdy)

Motion

The Council, on Mayor Pro Tem Urdy's motion, Councilmember Epstein's second, voted to take this item out of order. 6-0 Vote, Councilmember Nofziger out of the room.

Motion

Mayor Pro Tem Urdy made a motion, seconded by Councilmember Reynolds to establish the committee and make appointments by April 15, 1993.

Friendly Amendment

Councilmember Reynolds offered a friendly amendment that "new Councilmembers elected to the City Council will automatically have one appointment to the Charter Revision Committee. If the additional appointments lead to an even number of Committee members, one additional member shall be appointed on a consensus basis". The friendly amendment was accepted.

Amendment to Motion - FAILED

Councilmember Garcia made a motion, seconded by Councilmember Nofziger that "The Charter Revision Committee shall be appointed on June 17, 1993 and shall work expeditiously with the goal of proposing amendments to the City Charter, including an amendment to elect Council members from single-member districts, for consideration by the City Council by November 1, 1993, in accordance with the schedule attached hereto". Motion failed by a vote of 3-2-2, Councilmembers Epstein and Larson voted No, Mayor Pro Tem Urdy and Councilmember Reynolds abstained.

Roll Call on Main Motion as Amended

5-2 Vote, Mayor Todd and Councilmember Nofziger voted No.

56. Approve a revised Resolution to provide health examinations to detect lead poisoning for all school age children residing within a 1-mile radius of 1005 Gullett Street, who have experienced symptoms of vomiting, nausea, nosebleeds, headaches and high fevers.  
(Councilmember Gus Garcia and Mayor Pro Tem Charles Urdy)

On Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.

57. Direct the City Manager to initiate an application to rename Longhorn Dam to J.J. "Jake" Pickle Dam. (Mayor Bruce Todd and Councilmember Ronney Reynolds)

Pulled off agenda.

58. Direct the Bergstrom Conversion Task Force to appoint a Chairperson. (Mayor Bruce Todd and Michael "Max" Nofziger)
59. Direct the City Manager to request that the City's airport consultant, Greiner, Inc., include consideration of additional schools in the Del Valle and Montopolis areas as potential sites for implementation of noise mitigation techniques, such schools to include, but not necessarily be limited to the Allison, Allan, Govalle and Brooke Schools. (Mayor Bruce Todd and Councilmember Gus Garcia)

#58-59 on Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

60. C14-92-0078 - AUSTIN TREEMONT INC. (Larry Peel), by Land Strategies, Inc. (Paul Linehan), 1300-1400 Block of Capital Parkway and 2800 Block of Montebello. Planning Commission Recommendation: To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay, zoning with the condition that access to Barton Skyway be prohibited, and including conditions offered by the applicant related to transportation and land use/zoning. (Related to Item 92)

First Reading - on Councilmember Larson's motion, Councilmember Epstein's second, 7-0 Vote, with a friendly amendment by Councilmember Nofziger "to comply with the 1986 CWO".

61. C14-92-0136 - AUSTIN TREEMONT INC. (Larry Peel), by Land Strategies, Inc. (Paul Linehan/Jim Bechtol), 1001-1921 Capital Parkway and 1000-1920 Mopac South. Planning Commission Recommendation: To Grant SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay, zoning as amended, subject to: (1) limitation of 506 units (9.35 units per acre); (2) posting of fiscal surety for roadway improvements as outlined in the Memorandum from George Zapalac to Betty Baker, dated January 6, 1993; and (3) the tract of land north of Capital Parkway (zoned SF-3), adjacent to single-family lots and a portion of the L0 tract (the triangular portion that would remain if Capital Parkway were extended to connect to Doris Ann Boulevard) will remain undeveloped as an open space, and the only permitted

development will be a storage facility for maintenance of all open-space areas. Also, including conditions offered by the applicant relating to transportation and land use/zoning. (Related to Item 92)

Action on April 15, 1993.

62. C14-92-0137 - AUSTIN TREEMONT INC. (Larry Peel), by Land Strategies, Inc. (Paul Linehan/Mike McBride), 1000-1032 Capital Parkway. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning subject to: (1) limitation of 106 units (17.3 units per acre); (2) posting of fiscal surety for roadway improvements as outlined in the Memorandum from George Zapalac to Betty Baker, dated January 6, 1993; and including conditions offered by the applicant relating to transportation and land use/zoning. (Related to Item 92)

Action on April 15, 1993.

63. C14-93-0001 - DAVENPORT LTD., By Griffin Engineering Group, Loop 360 South and Westlake Drive. From SF-2 to MF-4-CO. Planning Commission Recommendation: To grant SF-6, Townhouse and Condominium Residence, zoning as amended, subject to the Comprehensive Watershed Ordinance.

Postponed to April 15, 1993 on Councilmember Epstein's motion, Councilmember Reynolds' second, 7-0 Vote.

64. C14-92-0127 - FIRST RIVERPLACE RESERVE, LTD. (Bill Gravenor), by Strasburger & Price, L.L.P. (David B. Armbrust), Leonard East Road and Lake Austin. From LA to SF-5 (Tract 1) and CR (Tract 2). Planning Commission Recommendation: To Grant SF-5-CO, Urban Family Residence-Conditional Overlay, zoning for Tract 1, and CR, Commercial Recreation, zoning subject to: (1) limited to 2 gasoline pumps; (2) prohibit maintenance facilities for boats; (3) limit number of boat slips to 90; (4) prohibit 2-story stacking of boats; and (5) environmental mitigation material should be kept on site. (Related to Item 18)

Ordinance - On Councilmember Reynolds' motion, Councilmember Larson's second, with a friendly amendment by Councilmember Garcia to change "should" to "shall" in §5. 6-0 Vote, Mayor Pro Tem Urdy out of the room.

65. C14-92-0134 - JOSIE CHAMPION, 5600-5720 FM 2222 and 6101-6407 Capital of Texas Highway. From SF-2 to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, subject to dedication of up to 75' and reservation of up to 150' of right-of-way from the existing centerline of F. M. 2222 and reservation of up to 150' from the existing centerline of Loop 360. The provisions of the conditional overlay are as follows: (1) Development not to exceed 50,000 square feet; (2) Development for

uses and intensities shall be limited to the projected traffic conditions assumed in the traffic impact analysis. Such assumptions include peak hour trip generation, traffic distribution, roadway conditions, or other traffic characteristics; (3) Uses limited to those permitted in the GR use district with the exception of: (a) Automotive rentals, (b) Automotive repair services, (c) Automotive sales, (d) Automotive washing, (e) Commercial off-street parking, (f) Exterminating services, (g) Financial services, (h) Service station, and (i) Off-site accessory parking; (4) Channelized driveway design for driveway approaches to F.M. 2222 to permit right-in, right-out movements only; (5) Impervious cover limited to 3 acres (at the time of site plan review, the site area shall include the adjoining land consisting 18.97 acres for a total of 26 acres for purposes of calculating impervious cover); (6) No pole signs; (7) No underground storage tanks; (8) Access to F.M. 2222 shall be structured (bridge) without culverts; (9) a 75-foot building setback from the bluff with the first 50' from the bluff to remain as an undisturbed vegetative buffer; (10) Buildings limited to a height of 28 feet; (11) Filtration shall be provided in addition to detention; (12) Lighting shall not exceed 18 feet and shall be shielded from the neighborhood, and parking lot lights shall be turned off during non-business hours; and (13) Allow 569 p.m. Peak Hour trips per day (per the Traffic Impact Analysis).

First Reading - On Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 5-2 Vote, Mayor Todd and Councilmember Garcia voted No. Approved Planning Commission recommendation except as follows: #7. cross out "underground"; #12. "parking lights turned off during non-business hours" will be deleted; no business midnight to 6:00 A.M.; exclude fast food restaurants; and #5, add a period (.) after three acres.

66. C14-92-0135 - DOUG SNYDER, by Prossner & Assoc. (Kurt M. Prossner), 3108 Oak Creek Drive. From SF-2 and GR to CS. Planning Commission Recommendation: To Grant W/LO, Warehouse Limited Office, zoning as amended, subject to conditions to be included in a restrictive covenant as follows: (1) In the event that the tract is used for convenience storage use then the height, above ground level, of all structures on the tract shall be limited to one contiguous building of twenty-two feet or less, with all additional buildings being fourteen feet or less. In the event that the tract is used for any uses allowed under CS, zoning other than convenience storage, then the height of all structures shall be limited to twenty-two feet above ground level and no more than four separate buildings shall be placed on the tract; (2) The existing drainage easement and 100-year floodplain, minimally, will be zoned W/LO, with the condition that the only development will be filtration and/or detention ponds; (3) All uses allowed under CS, except convenience storage, medical office, professional office, and day-care services (limited/general), shall be removed and disallowed under the zoning;

(4) The fence surrounding the property shall be constructed of stone, brick or wrought iron fencing with supports made of brick, stone or textured concrete block. No chain link fencing will be used where it will be visible from either Burnet Road or Oak Creek Drive; (5) All buildings located on the southernmost one-half of the tract shall be built with their longest axis within twenty degrees of being perpendicular to Oak Creek Drive; (6) The exterior of all buildings shall be painted light-colored earth tones, so as to be reasonably compatible with the surroundings. The intent is to prevent the use of bright or dark colors that would detract from the area and generally create an eyesore; (7) Business hours shall be from 6:30 a.m. to 9:30 p.m.; (8) All appropriate and reasonable measures shall be taken to ensure that no noxious or hazardous materials are stored on the tract. No activity shall be allowed on the tract that, for any length of time, generates a noise level above those standards set by the City of Austin for the zoning; (9) All landscaping shall be in accordance with an agreement between the applicant and the appropriate homeowner's representative for McNeil Estates Subdivision. In the event that no agreement is consummated between parties before forty-eight hours prior to the first reading of the subject zoning case before the Austin City Council, then the applicant or their representative shall submit a detailed written and graphic summary of the proposed landscaping for the tract to Norwood for approval or amendment prior to first reading.

**First Reading - On Councilmember Epstein's motion, Councilmember Reynolds' second, 7-0 Vote.**

67. C14-93-0012 - VAUGHN HOUSE, INC., by Site Specifics, 3815 South 1st Street. From LO to LR-CO. Planning Commission Recommendation: To Deny LR-CO, Neighborhood Commercial-Conditional Overlay.

**Public hearing was closed and zoning denied - On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.**

68. C14-81-067 - 183 QUARRY LTD, by Pat Scudder, West Braker Lane. Restrictive Covenant Termination. Planning Commission Recommendation: To Grant the request to terminate the restrictive covenant.

**Approved**

69. C14-93-0026 - SAGETREE HOLDINGS LTD., by Site Specifics, Creek Briar Drive. From LR and LO to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot), zoning as requested.

**Ordinance**

70. C14-93-00013 - SPILLAR CUSTOM HITCHES, by River City Engineers, 2701 South Congress Avenue. From SF-3 to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning limiting development to 0.52 floor-to-area ratio (F.A.R.).

**First Reading**

71. C14-93-0020 - 183 QUARRY LTD., by William J. Scudder, Architect, West Braker Lane. From LI and LO to CS-CO. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning limiting the floor-to-area ratio to 1 to 1.

**Ordinance**

72. C14-93-0029 - GREAT HILLS BAPTIST CHURCH, by Jeryl Hart Engineers, Inc., 10400- 10440 Morado Circle and 10508-10712 Jollyville Road. From MF-2 to GO. Planning Commission Recommendation: To Grant GO-CO, General Office-Conditional Overlay, zoning subject to the following maximum floor-to-area ratio (F.A.R.) limitations: Medical Office - 0.12 and Administrative & Business Office 0.33.

**First Reading**

73. C14-93-0016 - RAM INTERESTS, by River City Engineering, 7403 East Riverside Drive. From SF-3 and LR to CS. To grant CS-CO, Commercial Services-Conditional Overlay, subject to a maximum floor-to-area ratio to 0.18 to 1.

**First Reading**

74. C14-81-053 - ST. ANDREWS EPISCOPAL SCHOOL AND SETON MEDICAL CENTER, by William H. Bingham and Terry Bray, 1106 West 31st Street. Restrictive Covenant Termination. Planning Commission recommendation: To approve termination of the Restrictive Covenant and replace it with a covenant which provides restrictions for property owned by St. Andrews Episcopal School.

**Approved**

75. C14r-85-041(DE) - MARC T. KNUTSEN, by Holford Group (David Holt), 9100-9400 Metric Boulevard and 8931-8969 Research Boulevard. Existing zoning LI-PDA. Request for partial site plan deletion. Planning Commission recommendation: To grant LI-PDA zoning and request for partial site plan deletion, subject to: (1) the uses as set forth by the applicant in Attachment "A", which include liquor sales and cocktail lounges as conditional uses, instead of permitted uses as stated in the original Planned Development Agreement; (2) the development being limited to the uses and the floor-to-area

ratios assumed in the Traffic Impact Analysis (see Attachment "B") the previous City Council requirement to post fiscal arrangements for signalization at Rundberg Lane and Metric Boulevard be deleted; and (4) the site plan shall be revised prior to the final ordinance reading to reflect the partial site plan deletion and other staff recommendations and ordinance requirements outlined in Attachment "C."

#### First Reading

76. C14h-93-0001 - GOODRICH BAPTIST CEMETERY, by City of Austin, 2107 Goodrich Avenue. From SF-3 to SF-3-H. Planning Commission recommendation: To grant SF-3-H, Family Residence-Historic, zoning based on designation criteria items (1), (6), (8), (9), (11) and (13).

#### Ordinance

77. C14-93-0014 - HOMER R. & BARBARA JEAN PERKINS, 805 Rio Grande Street. From GO to DMU-H. Planning Commission Recommendation: To grant DMU-H, Downtown Mixed Use-Historic zoning.

#### Ordinance

78. C14-93-0017 - ERASMO BENITEZ, by Roberto Escamilla, 1411 Montopolis Drive. From SF-3 to GR. Planning Commission recommendation: To deny GR, Community Commercial zoning.

#### Denied

79. C14-93-0023 - MILBURN INVESTMENTS, INC., by Joe DiQuinzio, 1100-1300 blocks of West Dittmar Road (southside). From I-RR to SF-2. Planning Commission recommendation: To grant SF-2, Single-Family Residence (standard lot) zoning.

#### Ordinance

80. C14-93-0024 - MILBURN INVESTMENTS, INC., by Joe DiQuinzio, 800-1100 blocks of West Dittmar Road (southside). From I-RR to SF-2. Planning Commission recommendation: To grant SF-2, Single Family Residence (standards lot) zoning.

#### Ordinance

81. C14-93-0036 (formally C14-92-0074) - KMS VENTURES, INC. (Jim Moritz), by Bury & Pittman (Andres Linseisen), 6818 Austin Center Boulevard. From LO to GO. Planning Commission recommendation: To grant GO-CO, General Office-Conditional Overlay, zoning subject to the following: (1) development or redevelopment must comply with LO, Limited Office, development regulations; (2) restrict

floor-to-area ratios for (a) medical offices - 0.14 (38,000 square feet), (b) Convalescent Services - 0.072 (19,500 square feet), (c) Hospital Services (general) - 0.072 (19,500 square feet), limited to only eight (8) beds; (3) permitted LO uses and Hospital Services (limited) as the only GO use; (4) 10-foot landscape setback from the southeast property line adjacent to the MF-3 zoned property; and (5) height limitation of 40-feet and 6-inches (three stories or whichever is less).

#### **Ordinance**

#68-81 on Councilmember Epstein's motion, Councilmember Reynolds' second, 7-0 Vote.

#### **To be heard by Planning Commission on March 30, 1993; Recommendation to Follow**

82. C14-93-0015 - AUSTIN CHINESE CHURCH, 11118 Dessau Road. From PUD to GO.

Postponed to April 22, 1993.

83. C814-87-007 - PARKSTONE PUD (Dwyer/Sanders and Company), by Bury & Pittman (Greg Strmiska), 1700-2300 Blocks of Loop 360. From SF-2 to PUD. The applicant is requesting a waiver from Section 13-7-66(b2) of the Land Development Code, which requires a 100-foot highway vegetative buffer from a Hill Country Roadway (Loop 360) as it relates to the proposed single family development. Planning Commission recommendation: Approve a waiver reducing the buffer from 100' to 30' subject to the following conditions: (1) the area subject to no on-site gasoline storage or sales (2) no final plats will be considered for six months for the property located to the south. Vote 4-2.

#### **Motion**

The Council, on Councilmember Reynolds' motion, Councilmember Garcia's second, closed the public hearing. 7-0 Vote.

#### **Motion**

The Council, on Councilmember Reynolds' motion, Councilmember Epstein's second, approved the Planning Commission recommendation. 6-1 Vote, Councilmember Garcia voted No. (May be brought back for third reading on May 6, 1993.)

84. C14-93-0004 - JAMES C. PHILLIPS, by Carson Planners, 5900-6000 Mopac Expressway South. From GR-CO to MF-2.

Postponed to April 15, 1993.

85. C14-85-149.40.(93)1- BLUEBONNET SAVINGS BANK FSB, by Land Strategies, Inc., 11900 Stonehollow Drive. Restrictive Covenant Termination.

Postponed to April 15, 1993.

86. C14-93-0018 - BENCHMARK GROUP INC, by Powers Engineering Group Inc., Northwest corner of Brodie Lane and Aspen Creek Parkway. From DR to SF-2. Planning Commission recommendation: To grant SF-2, Vote 6-0.

Ordinance - On Councilmember Epstein's motion, Councilmember Reynolds' second, 7-0 Vote.

87. C14-93-0025 - BLUEBONNET SAVINGS BANK FSB, by Land Strategies, Inc., 11900 Stonehollow Drive. From RR and SF-6 to MF-3.

Postponed to April 15, 1993.

88. C14-93-0028 - BLUEBONNET SAVINGS BANK, by Land Strategies, Inc., 9100 block of Stonehollow Drive. From LO to MF-3.

Postponed to April 15, 1993.

The following cases will be postponed to a future date. Posting of these cases on this agenda is required due to a previous advertisement for a public hearing on this date.

89. C14r-85-145 - AMRESKO MANAGEMENT, INC. (Mike Pacillio), by Bury & Pittman (James B. Knight), 9809-9900 Stonelake Boulevard. Restrictive Covenant Amendment. Planning Commission Recommendation: To Grant the request to amend the restrictive covenant.

Postponed to April 22, 1993.

90. C14-93-0006 - GUARANTY FEDERAL SAVINGS BANK, by Strasburger & Price, L.L.P., 2300-2400 Gracy Farms Lane. From SF-6 to MF-3.

Postponed to April 22, 1993.

91. C14-93-0019 - W. M. INVESTMENTS NO. FOUR, by Allan Nutt, Architect, 8440 Burnet Road. From CS to CS-1.

Postponed to April 22, 1993.

**PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS**

92. 3:00 P.M. - Deny the request to amend the Austin Metropolitan Area Roadway Plan (AMARP) by deleting Barton Skyway from Loop 1 to RM 2244 from the AMARP. (Action to be taken prior to Items 60-62) Amendment to Roadway Plan recommended by Environmental Board, Urban Transportation Commission and Planning Commission.

**Motion**

The Council, on Councilmember Garcia's motion, Councilmember Reynolds second, closed the public hearing. 6-0 Vote, Councilmember Epstein out of the room.

93. 4:30 P.M. - Appeal of Planning Commission denial of a compatibility setback waiver for the Sterling Springs Apartments swimming pool, located at 2809 William Cannon Drive.

**Motion**

The Council, on Councilmember Larson's motion, Councilmember Epstein's second, closed the public hearing and granted the appeal. 6-0 Vote, Councilmember Nofziger out of the room.

94. 5:00 P.M. - Creation of a Downtown Austin Public Improvement District.

**Motion**

The Council, on Councilmember Reynolds' motion, Councilmember Garcia's second, voted to continue the public hearing to April 15, 1993 at 3:00 P.M., 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Epstein out of the room.

**EXECUTIVE SESSION (No Public Discussion on These Items)**

Council did not go into executive session.

The City Council will announce that it will go into Executive Session, if necessary, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

**Pending/Contemplated Litigation - Section 2, Paragraph e**

95. Discussion of a claim against the City of Austin by Southern Union Gas Company regarding the City's use of its property.

96. Discussion of Jerry J. Quick, et al v. City of Austin et al, Cause No. 92-00637.
97. Discussion of applications of Garwood Irrigation Company, and Pierce Ranch/Lower Colorado River Authority to amend Certificates of Adjudication Nos. 14-5434, 14-5477, respectively, pending before the Texas Water Commission.
98. Discussion of Dr. Lynn Ledbetter, Executrix of the Estate of Frances L. Ledbetter, Deceased, Plaintiff v. The Summit at West Rim, Ltd. et al., Defendants v. the City of Austin, et al., Third Party Defendants.

Land Acquisition - Section 2, Paragraph f

99. Discuss sale of City property to the State of Texas Department of Transportation for Highway 183 right-of-way expansion.
100. Discuss participation with the State of Texas in real property acquisition for the U.S. 183/290 Project.

ACTION ON THE FOLLOWING

101. Authorize the settlement of a claim against the City of Austin by Southern Union Gas Company regarding the City's use of its property.

No action.

102. Approve negotiation and execution of a contract with Lloyd, Gosselink, Fowler, Blevis and Mathews, to provide legal services to protect the City's water rights. In the amount of \$50,000.00.
103. Approve payment to Consort, Inc., for expert witness costs incurred by the City for Forrest E. Smock, et al. v. the City of Austin, et al. In the amount of \$57,468.40.

#102 and 103 on Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Councilmember Epstein out of the room, Mayor Pro Tem Urdy absent.

104. Approve execution of an amendment to the contract with the law firm of Thompson & Knight to increase the amount of attorney's fees for representation of the Planning Commission; Cause No. 59,606-A, In Probate Court No. 1 of Travis County, Texas; styled Dr. Lynn Ledbetter, Executrix of the Estate of Frances L. Ledbetter, Deceased, Plaintiff v. The Summit at West Rim, Ltd., et al., Defendants v. the City of Austin, Texas, et al., Third Party Defendants.

No action.

105. Approve a resolution authorizing sale of City property to the State of Texas Department of Transportation for Highway 183 right-of-way expansion.

No action.

106. Authorize participation with the State of Texas in real property acquisition of parcels 5, 6, 7, 8, 9, 11, 25, 26, 27, 28E, 29E & 30 for the U.S. 183/290 Project.

No action.

107. APPOINTMENTS

The following board and commission appointments were approved, on Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Pro Tem Urdy absent.

COMMISSION FOR WOMEN - Yolanda Delgado

MUSIC COMMISSION - Richard May

PARKS AND RECREATION BOARD - Margaret Reed-Lade

PLANNING COMMISSION - Michael Rivera and Rosemary Sheffield

ADJOURN - Council adjourned its meeting at 12:30 A.M. on April 2, 1993. Council took action twice during the meeting to extend the adjournment hour past 10:00 P.M. - Councilmember Reynolds made a motion, seconded by Councilmember Epstein to continue the meeting to 11:00 P.M. Motion Passed 7-0. - Later, Councilmember Reynolds made a motion, seconded by Mayor Todd to continue the meeting to midnight. Motion passed 4-1-2, Councilmember Nofziger voted No, Councilmembers Epstein and Garcia abstained.